

West Hartford Town Council Meeting

AMENDED

Tuesday, November 12, 2019

Generated by Cindy A Porrini on Wednesday, November 13, 2019

Members present

Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

Meeting called to order at 8:31 PM

1. Meeting Opening

A. Call to Order 8:31 PM

B. Pledge of Allegiance

C. Roll Call - **ALL PRESENT**

2. Approval of Minutes

A. Town Council Minutes 10-7-2019, Special Meeting 10-29-2019

APPROVED

Motion by Deputy Mayor Kerrigan, second by Councilor Davidoff.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

B. Public Hearing Minutes- Application 10-60 Starkel Road. 9-24-2019

APPROVED

Motion by Deputy Mayor Kerrigan, second by Councilor Davidoff.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

C. Public Hearing Minutes- Ordinance Adopting a Revision of Recodification of the Code of the Town of West Hartford. 10-7-2019

APPROVED

Motion by Deputy Mayor Kerrigan, second by Councilor Davidoff.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

D. Public Hearing Minutes- Establishing a West Hartford Prevention Council. 10-7-2019

APPROVED

Motion by Deputy Mayor Kerrigan, second by Councilor Davidoff.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

E. Public Hearing Minutes- Amending Parking Restrictions. 10-7-2019

APPROVED

Motion by Deputy Mayor Kerrigan, second by Councilor Davidoff.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

3. Public Forum - **NO ONE SPOKE**

4. Consideration of Consent Calendar

ITEMS MOVED 11A to 11H

Motion by Deputy Mayor Kerrigan, second by Councilor Davidoff.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

5. Unfinished Business

A. Application filed on behalf of Newington Westfarms TMC, LLC, owner of 1553-1559 New Britain Avenue, Special Development District (SDD) #103. The requested amendment is for architectural modifications to the façade and existing pylon sign and for the removal of certain prior SDD conditions of approval regarding use restrictions. Associated landscaping improvements are proposed. **(This agenda item will be the subject of a formal public hearing on November 12, 2019 and may not be addressed during Public Forum pursuant to Town Council Rules)**
(926)

APPROVED WITH CONDITIONS, 9-0

**FINAL CONDITIONS OF APPROVAL
1553 – 1559 NEW BRITAIN AVENUE
SPECIAL DEVELOPMENT DISTRICT #103-R1**

1. Approval of Application

That the existing approval be and hereby is amended in accordance with, and subject to the terms and conditions of the application, and that the application is hereby approved, subject, however, to the “Conditions of Approval” set forth below.

2. Conditions of Approval

A. Official Plans

Implicit in the Special Development District is the condition that the premises shall be used only in accordance with the official application materials, plans and associated exhibits related to the application and as supplemented by any amended plans and documents submitted during the public hearing process. Any other use shall require the express approval of the Town Council in accordance with the Zoning Ordinances of the Town of West Hartford.

B. Future Signage

Signage must comply with the Town Zoning Ordinance requirements for design, total sign area and color, and any modification or waiver of sign ordinance requirements shall be further reviewed by the Design Review Advisory Committee. Signage on the northerly and eastern side of the building at the premises shall be prohibited. The free-standing sign shown on Sheet A-1 is hereby approved. The permissible height shall be 18 feet with a maximum signage of 50 square feet per facing side (100 s.f. total area).

An on-site sign program shall be submitted to the Town Planner for approval including entrance and exit directional signs in an integrated uniform program in compliance with Town Ordinances. Traffic control signs shall be permitted provided such signs and devices are located and designed to comply with the Manual of Uniform Traffic Control Devices published and amended from time to time by the U.S. Federal Highway Administration.

C. Premises Contact

The party responsible for maintaining the grounds of the premises shall post at a conspicuous location in the store and shall provide the Town Planner, from time to time, with the name (or title) of a person and a telephone number where that person can be reached or where messages for that person may be left, to act as a liaison between the Town and the applicant. The identity of the party and the telephone number may be changed from time to time by notice to the Town Planner.

D. Solid Waste – Operational Condition

On-site solid waste containers including recyclable containers and trash compactors shall be maintained and operated in a neat and orderly manner. Such containers shall be enclosed in the manner described in the application.

Solid waste collection shall be permitted between 7:00 a.m. and 6:00 p.m. on weekdays and between 8:00 a.m. and 5:00 p.m. on Saturdays. Solid waste collection shall not be scheduled on a regular basis on Sundays, but shall be permitted between 8:00 a.m. and 5:00 p.m. during the holiday periods or in unusual circumstances.

E. Special Site Use or Operation Requirements

Delivery Hours

Same as solid waste collection.

Drive-Up Windows

Drive-up window service shall not be permitted.

Hours of Operation

Hours of store operation shall not exceed 8:00 a.m. to 9:00 p.m., Monday through Friday and from 9:00 a.m. through 9:00 p.m., Saturday and Sunday. During the period between Thanksgiving and December 31, hours of operation may be extended until 2:00 a.m.

24 Hours

The store shall not be operated on a 24-hour basis.

Special Use Restriction on Gross Floor Area

The 28,900 gross floor area is authorized as a retail use for Babies R Us. In the event that a change of use from the proposed Babies R Us or if change to some other major or minor occupancy is proposed, the following uses shall be prohibited: (1) kennel; (2) amusement arcade; (3) video store. Prohibitions enumerated herein should be construed to prohibit the sale or rental of items which might normally be associated with those prohibited uses provided such sale or rental is incidental to a use which is permitted hereunder. Nor shall these prohibitions be construed to prohibit incidental installation of automatic teller machines ("ATMs") or child amusement rides which are associated with a use permitted hereunder. ATMs shall only be permitted if the ATMs are located within the inside structure of the building and only accessible and/or operational during business hours.

F. Property Maintenance – Snow Removal

Accumulated snow which is stored on-site shall be located in designated snow storage areas which shall not include the northeast corner of the premises.

G. Property Maintenance – Sweeping

No motorized sweeping equipment may be used in the lot before 7:00 a.m. weekdays and before 8:00 a.m. on Saturdays.

H. Property Maintenance – Landscaping

Applicant will maintain all landscaped areas including mowing, weeding, brush removal and replacement where necessary of plantings. Additional ground covers shall be added to the berm and on the steep bank at the rear of

the site as erosion control. The Town Planner may approve the installation of a bicycle rack and/or electric vehicle charging station(s) at suitable locations on the site.

I. Fencing

Screen fencing shall be of masonry construction and shall be maintained free of graffiti. Security fencing may be designed to exceed the zoning standard of seven (7) feet and may be up to eight (8) feet in height and may be constructed of material other than masonry. This required security fencing shall be located at the edge of the parking/loading area and shall extend into Newington as proposed by the applicant.

J. Site Lighting

The exterior parking areas of the premises shall be lit in such a manner as to achieve an average illumination level no greater than approximately 1.5 foot candles. No lighting shall be permitted to direct light to the adjacent residential property.

Site lighting other than site security lighting shall be extinguished within one-half (1/2) hour of the time of closing (by 9:30 p.m., Monday through Friday ; 9:30 p.m., Saturday and Sunday) and shall remain extinguished until store opening hours (8:00 a.m., Monday through Friday, 9:00 a.m., Saturday and Sunday).

K. Site Drainage

The applicant will clean catch basins every six (6) months, or sooner, if necessary.

L. Signage

All signage shall be repaired or replaced as needed.

M. Computer Media Information

The applicant shall submit to the Town Engineer, within ninety (90) days of certificate of occupancy, a copy of the "as built" plans on computer media including all on-site and off-site improvements.

N. Final Plan Revisions

Final plan submission shall include the following revisions:

1. Title Sheet (1 of 10) prepared by A & N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037 dated 10/30/98.
2. Site Survey Sheet, Sheet 2 of 10 prepared by A & N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037. Revised through 5/29/98.
3. Site Layout Plan Sheet 3 of 10 prepared by A & N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037. Revised through 3/1/99.
4. Drainage and Utility Plan Sheet 4 of 10 prepared by A & N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037. Revised through 3/1/99.
5. Grading and Sedimentation Control Plan Sheet 5 of 10 prepared by A & N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037. Revised through 3/1/99.
6. Landscape Plan Sheet 6 of 10 prepared by A & N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037. Revised through 3/1/99.
7. Storm Drainage Details Plan Sheet 7 of 10 prepared by A & N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037. Revised through 3/1/99.

8. Miscellaneous Details Plan Sheet 8 of 10 prepared by A & N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037. Revised through 3/1/99.

9./10. Sedimentation and Erosion Control Detail Plan Sheet 9 of 10 prepared by A & N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037. Revised through 3/1/99.

11./12. Architectural Plans:

A. Sheet A-1 prepared by Network Design International, Ltd., depicts the floor plan and is dated 3/1/99.

B. Sheet A-2 prepared by Network Design International, Ltd., depicts the north, east and west elevations, and floor plan is dated 3/1/99.

O. Rear Fence

The applicant shall to the extent said fence is owned by the applicant, or if permission is granted by the owner of the fence, repair the fence at the rear of the premises as needed.

P. Plantings and Berms

The proposed landscaped berm and security fencing shall be extended into the Town of Newington as proposed by the applicant. The applicant shall not remove the large trees on the northern side of the premises unless the same become diseased, unsightly or are a danger of falling. If it becomes necessary to remove the trees, applicant shall plant new trees to replace the removed trees. Nothing herein shall prohibit the applicant from trimming, pruning and otherwise maintaining trees and shrubs following good horticultural practice.

Q. Permanent Bond Maintenance

The applicant shall file a permanent maintenance bond or acceptable surety in the amount of \$25,000, as of the filing of the SDD plans to ensure continual maintenance of all on-site drainage structures, pipes, catch basins, impervious surface site improvements and related drainage facilities installed as part of this project approval. In addition, the owner or applicant, shall enter into an Indemnification and Hold Harmless Agreement with the Town which provides that such party or its heirs, successors or assigns will indemnify and hold harmless the Town of West Hartford in any claim for damages by downstream owners resulting from flooding or siltation attributed to water shed diversion, watercourse alterations or drainage connections made as a result of Town approval of this project.

The applicant shall also file a maintenance schedule to be approved by the Town Planner prior to the applicant filing its approved plans with the Town Clerk.

R. Final Plans

The final plans shall reflect the recommendations of the Design Review Advisory Committee.

S. Waivers

Nothing in these conditions shall be construed to be a waiver of zoning ordinances, except as specifically provided.

T. Conservation Easement and Restriction

The property owner shall grant in favor of the Town of West Hartford a Conservation Easement and Restriction which shall run along the northerly and easterly boundaries of the property and shall encompass the entire buffer extending beyond the parking areas to the property boundaries as referenced on Sheet No. 6 of the Newington-Westfarms T.M.C., L.L.C., Site Plan-Phase 2, New Britain Avenue, West Hartford, CT dated March 1, 1998 and filed with the West Hartford Town Clerk and otherwise known as Special Development District #103. The property owner shall be responsible for the maintenance of the property located within the conservation restriction. As requested by the applicant in its letter of November 4, 2019, the Town Council grants approval to remove and/or trim trees within the conservation easement area all as shown on sheet LP.101 of the approved plans.

Motion by Deputy Mayor Kerrigan, second by Councilor Davidoff.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

B. Ordinance Permitting Sponsorship Signs in Municipal Parks. **(This agenda item will be the subject of a formal public hearing on November 12, 2019 and may not be addressed during Public Forum pursuant to Town Council Rules) (194)**

TABLE THIS ITEM TO JANUARY 28, 2020 AT 7:00 PM.

Motion by Deputy Mayor Kerrigan, second by Councilor Davidoff.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

C. Resolution Authorizing the Town Manager to Execute a Lease with the Universalist Church. **(This agenda item will be the subject of a formal public hearing on November 12, 2019 and may not be addressed during Public Forum pursuant to Town Council Rules) (577)**

ADOPTED, 9-0

**RESOLUTION AUTHORIZING THE TOWN MANAGER
TO EXECUTE A LEASE WITH THE UNIVERSALIST CHURCH**

WHEREAS, the Town of West Hartford owns property identified as 68-84 North Main Street ("Property"); and

WHEREAS, the Town executed a lease with the Universalist Church in 1975 which has allowed the Church to utilize approximately .55 acres of the Property as a parking area for those attending church services and events and for those participating in its ministries; and

WHEREAS, the lease has expired and the Church has requested that the Town execute a new lease for a fifty year term to allow it to make capital improvements to the parking area and to better ensure the continuity of the faith community; and

WHEREAS, a new lease with the Church will provide additional revenue to the Town and will allow the Church to continue its varied ministries that benefit the West Hartford community at large:

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD THAT the Town Manager is hereby authorized to execute a lease with the Universalist Church on the following material terms, and on such other terms and conditions as may be in the best interest of the Town, all subject to review and approval as to form and legality by the Office of Corporation Counsel:

1. Property: Rear of 68-84 North Main Street.
2. Term: 50 years.
3. Rental rate: \$1,200 for the first year, with 1% annual increases, adjusted every 5 years.
4. Permitted Use: Parking vehicles in connection with church purposes and for those individuals attending church services and events and participating in the church's ministries.
5. Maintenance & Repair: Church has the obligation to keep the Property in good condition and to make such repairs as may be necessary to keep the Property in good condition.
6. Utilities: Church will be responsible for the payment of all utilities servicing the Property.

7. Alterations: All alterations made to the Property will require the Town's prior written approval, which approval may be withheld in its sole discretion.

8. Insurance & Indemnification: The Church will provide such insurance coverages and such indemnity obligations as required by the Risk Manager and Corporation Counsel.

Motion by Deputy Mayor Kerrigan, second by Councilor Davidoff.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

6. New Business

A. Resolution to Authorize, Issue, and Sell General Obligation Refunding Bonds. (953)

ADOPTED, 9-0

([Click here](#) for Resolution)

Motion by Deputy Mayor Kerrigan, second by Councilor Davidoff.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

7. Reports of Town Manager

Town Manager Matthew W. Hart presented his report to Council.

8. Announcements Upcoming events were reported by Mayor Cantor.

9. Reports of Corporation Counsel- an Executive Session is required to discuss pending litigation.

10. Appointments:

Central Regional & State Tourism Board

Robyn Rifkin appointed as the West Hartford Representative for a term ending 11-14-2022.

11. Reports of Standing or Special Committees:

A. From Town Plan & Zoning- RECENT PLANNING ACTION-25 Flagg Road; 60 North Main Street; 991 Farmington Avenue; 1 Memorial Road. (780) **RECEIVED**

B. From Inland Wetland Watercourse Agency- RECENT PLANNING ACTION- 269 Ridgewood Road; 1800 Asylum Avenue. (780) **RECEIVED**

C. Minutes from Public Safety Committee - 4-4-2019; 4-11-2019; 6-3-2019; 9-5-2019; 10-3-2019
RECEIVED

D. Minutes from Community Planning & Physical Services Committee. 3-18-2019; 4-3-2019; 6-19-2019; 8-26-2019; 9-18-2019; 10-16-2019 **RECEIVED**

E. Minutes from Human Services Committee - 3-21-2019; 3-28-2019; 6-10-2019 **RECEIVED**

F. Minutes from Finance & Budget Committee - 3-14-2019; 3-20-2019; 4-16-2019; 5-22-2019; 10-2-2019
RECEIVED

G. Minutes from Admin & Technology Committee - 4-1-2019; 4-8-2019; 9-9-2019 **RECEIVED**

H. Minutes from Education Committee - 3-25-2019 **RECEIVED**

12. Communications **NONE**

13. Consent Calendar - **ADOPTED**

14. Petitions **NONE**

15. Executive Session at 9:22 pm Mayor Cantor moved to convene into Executive Session for the purpose of discussing a pending litigation matter. Present to discuss the matter. Mayor Cantor, Council Members Barnes, Davidoff, Dodge, Fay, Kerrigan, Sweeney, Wenograd, and Williams. Corp. Counsel Alair; Assistant Corp. Counsel Garmon Newsom, Town Manager Matthew W. Hart.

At 9:33 pm, on motion of Mayor Cantor and seconded by Deputy Mayor Kerrigan it was voted to reconvene in to Public Session.

16. Adjournment at **9:34 PM**

Motion by Mayor Cantor, second by Deputy Mayor Kerrigan.

SUSPENSE:

A. RESOLUTION AUTHORIZING SETTLEMENT OF THE CLAIM ENTITLED MANGIONE, ROBERT v. TOWN OF WEST HARTFORD and PMA MANAGEMENT.

BE IT RESOLVED that acting in its normal course, the West Hartford Town Council hereby authorizes the settlement of the case entitled MANGIONE, ROBERT v. TOWN OF WEST HARTFORD and PMA MANAGEMENT, Workers' Compensation Commission case number 6268 CRB-6-18-4, Claim numbers 601071158 and 601076851, for the sum of \$140,000 to be paid in two payments of \$70,000. The first payment will be in fiscal year 2019 and the second payment will be in fiscal year 2020.

ADOPTED

Motion by Mayor Cantor, second by Deputy Mayor Kerrigan.

YES: Councilor Barnes, Mayor Cantor, Councilor Davidoff, Councilor Dodge, Councilor Fay, Deputy Mayor Kerrigan, Councilor Sweeney, Councilor Wenograd, Councilor Williams

B. Proclamation presented to Judy Wyman for dedicating November 20, 2019 as U.N. Convention on the Rights of the Child Day.



Essie S. Labrot
Town Clerk/Council Clerk

APPROVED AT DECEMBER 16, 2019 TOWN COUNCIL MEETING